

AN ORDINANCE 2006 - 01 - 12 - 66

AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SAN ANTONIO BY AMENDING CHAPTER 35, UNIFIED DEVELOPMENT CODE, SECTION 35-304, OF THE CITY CODE OF SAN ANTONIO, TEXAS BY CHANGING THE ZONING DISTRICT BOUNDARY OF CERTAIN PROPERTY.

* * * * *

WHEREAS, a public hearing was held regarding this amendment to the Official Zoning Map at which time parties in interest and citizens were given an opportunity to be heard; and

WHEREAS, the Zoning Commission has submitted a final report to the City Council regarding this amendment to the Official Zoning Map of the City of San Antonio; **NOW THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. Chapter 35, Unified Development Code, Section 35-304, Official Zoning Map, of the City Code of San Antonio, Texas is amended by changing the zoning district boundary of Lot 38 and Lot 39, NCB 8133 from "R-4" Residential Single-Family District to "O-1" S Office District with a Specific Use Permit for Professional Offices exceeding 10,000 square feet.

SECTION 2. The City Council finds as follows:

- A. The specific use will not be contrary to the public interest.
- B. The specific use will not substantially nor permanently injure the appropriate use of adjacent conforming property in the same district.
- C. The specific use will be in harmony with the spirit and purpose as set forth in Section 35-423, Specific Use Authorization, of the Unified Development Code.
- D. The conditional use will not substantially weaken the general purposes or the regulations as set forth in Section 35-423, Specific Use Authorization, of the Unified Development Code.
- E. The specific use will not adversely affect the public health, safety and welfare.

SECTION 3. The City Council approves this Specific Use Authorization so long as the attached site plan is adhered to. A site plan is attached as Exhibit "A" and made a part hereof and incorporated herein for all purposes.

SECTION 4. All other provisions of Chapter 35 except those expressly amended by this ordinance shall remain in full force and effect including the penalties for violations as made and provided for in Section 35-491.

SECTION 5. The Director of Development Services shall change the zoning records and maps in accordance with this ordinance and the same shall be available and open to the public for

inspection.

SECTION 6. This ordinance shall become effective immediately upon passage if passed by eight or more votes otherwise this ordinance shall become effective January 22, 2006.

PASSED AND APPROVED this 12th day of January, 2006.


M A Y O R

PHIL HARDBERGER

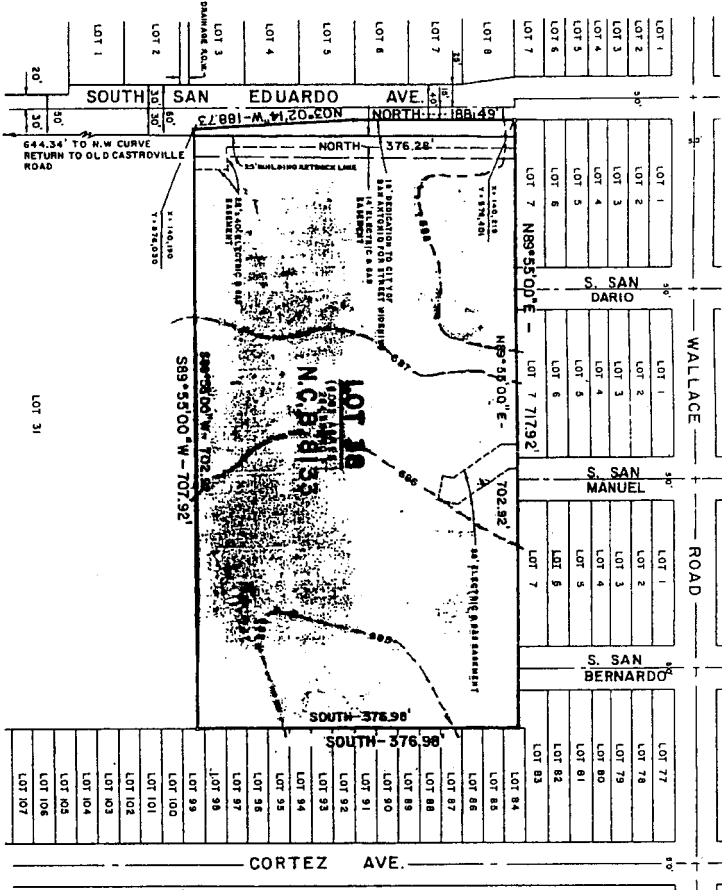
ATTEST:


City Clerk

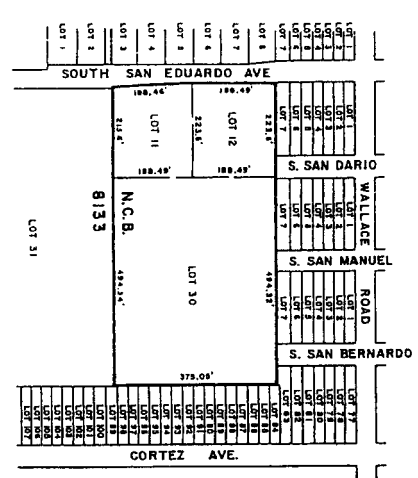
APPROVED AS TO FORM:


City Attorney

Filed for Record in:
HAYES COUNTY, GE
COUNTY CLERK
on Aug 11 1975
at 3:45pm
Receipt #: 155200
Recording: 25.00
Per-Map: 6.00
Per-Min: 05.014561
Payer's Name: Cawthay

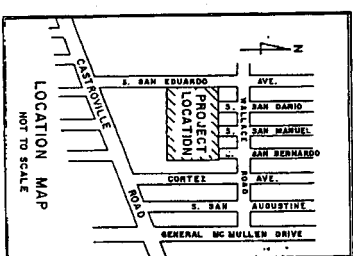


REPLAT ESTABLISHING
EMMA FREY ELEMENTARY SCHOOL
BEING LOT 30, NCB 8133, CONTAINING 6.91
ACRES OF LAND SITUATED IN SAN ANTONIO,
BEXAR COUNTY, TEXAS.



AREA BEING REPLATED.

BEING 5.191 ACRES OF LAND, CONSISTING OF ALL OF TRACT 12 AND THE REMAINDER OF TRACTS 11 AND 30, N.C.B. 8153, ROSECRAMS IRRIGATED GARDENS, SAN ANTONIO, RECORDED IN VOLUME 642, PAGE 91, OF THE DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS.



LEGEND

- DENOTES IRON ROD FOUND
- DENOTES IRON ROD SET

BEARING BASIS IS BASED ON THE EAST
RIGHT-OF-WAY LINE OF S. SAN EDUARDO
AVENUE BEARING NORTH 75 RECORDS
IN POSTHUMANS IRRIGATED GARDENS SUB-
DIVISION VOLUME 640, PAGE 91 PLAT
RECORDS OF BEXAR COUNTY, TEXAS.

STATE OF TEXAS
COUNTY OF BROWN
I, JAMES C. HAY, LAND SURVEYOR, DO HEREBY CERTIFY THAT THE
OWNER OF THE LAND SHOWN ON THIS PLAN
IS THE PUBLIC, OR BY ALL OTHERS, ALWAYS PARTS, WHOLE OR PART, HAVE
BEING AND HAVE PLACED THEREON SHOWN FOR THE PURPOSES OF CONSIDERATION
THEREIN DESCRIBED.

John C. Hay

COUNTY CLERK

COUNTY AUTHORIZED AGENT

STATE OF TEXAS

[illegible]

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any of the following four conditions: (1) the presence of a "substantial" number of "unemployed" persons; (2) the presence of a "substantial" number of persons "unable to work"; (3) the presence of a "substantial" number of persons "unable to find work"; and (4) the presence of a "substantial" number of persons "unable to obtain credit." The Commission found that the first three conditions were not met, but that the fourth condition was met. It therefore concluded that the "substantial" number of persons "unable to obtain credit" was sufficient to establish a "substantial" number of persons "unable to find work."

1011 N. 4th St. - EMMA FREX. ELEMENTARY - 1011 N. 4th St.
 5010 E. 1st St. - EMMA FREX. ELEMENTARY - 5010 E. 1st St.
 423 S. 14th St. - EMMA FREX. ELEMENTARY - 423 S. 14th St.
 1011 N. 4th St. - EMMA FREX. ELEMENTARY - 1011 N. 4th St.

COUNTY OF SEABOARD
 STATE OF NORTH CAROLINA
 I, _____, Clerk of said County, do hereby certify that the within and foregoing is a true and correct copy of the original as the same appears from the records of said County.
 In witness whereof, I have hereunto set my hand and the seal of said County at Seaboard, North Carolina, this _____ day of _____, 19____.

 Clerk of Seaboard County, North Carolina

STATE OF TEXAS
COUNTY OF BROWN
I, GEORGE R. KRAFT, County Clerk, do hereby
certify that the within and foregoing instrument
is a true and correct copy of the original
as the same appears from the records of said
County, and that the same was duly
recorded in the office of the County Clerk
on the 14th day of April, 1932, at 12 o'clock
P. M.

W. H. HARRIS, Attorney at Law
Dallas, Texas

1932, April 14

W. H. HARRIS

NOTARY PUBLIC
IN AND FOR THE STATE OF TEXAS

My Comm. Expires _____

"SITE PLANS", EXHIBIT "A", # Z-11, 1/12/06 CASE NO. Z20052695

SOUTH SAN EDUARDO AVE

LOT 10
200' x 150'

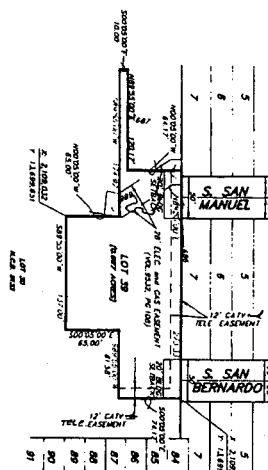
S. SAN DAVID

S. SAN MICHAEL

S. SAN JAMES

S. SAN EDWARD

THE AREA BEING VACATED IN THIS PLAT HAD BEEN PREVIOUSLY PLATTED AS PART OF A PLAT NAMED EMMA FREY ELEMENTARY, RECORDED IN VOLUME 5532, PAGE 108, BEAR COUNTY DEED AND PLAT RECORDS, AND WAS VACATED THROUGH A VACATING DECLARATION BEING RECORDED ON THE SAME DATE AS THIS RESUBDIVISION PLAT.



1. 17' FROM REAR 2' PLASTIC CURTAIN AT PROPERTY CORNERS UNLESS OTHERWISE NOTED
2. ALL DISTANCES SHOWN ARE E. 6' E. 1' & CITY - DENOTES ELECTRIC GAS TELEPHONE AND CABLE TV EXISTENT
4. F.I.R. - DENOTES FOUND IRON ROOF
5. ELEC. TELL & CITY - DENOTES ELECTRIC TELEPHONE AND CABLE TV EXISTENT
6. 20' B.S.L. - DENOTES 20' BUILDING SETBACK LINE

NOTE: COORDINATES SHOWN ARE STATE PLAIN COORDINATES DETERMINED BY OTHERS AND MAY NOT REPRESENT A CORRELATION BETWEEN SUCH POINTS IN THIS PLAT.

WASTEWATER E.D.U. NOTE:

THE MEMBERS OF MULTIMEDIA EDUCATION OUTREACH UNIT (MEU) PAID FOR THIS SUBSCRIPTION PLAT AND LEFT ON FILE AT THE SAN ANTONIO PUBLIC LIBRARY UNDER THE PLAT NUMBER ISSUED BY THE PLANNING DEPARTMENT.

DIRECTIONAL CONTROL

ELIZABETHAN SCHOOL SUBSTATION A.M., DATED AUG. 14th 1871.
PREPARED BY GEORGE W. COPELAND AND RECORDED IN VOL. 9512,
PG. 108.

LOCATION MAP RZL

SCALE: 1" = 100'

RESUBDIVISION PLAT
and
SUBDIVISION PLAT ESTABLISHING
EMMA FREY ELEMENTARY UNIT-1A

BEING LOT 39, NCB 8133 CONTAINING 0.697 ACRES OF LAND OUT OF LOT 12, BLOCK 16, N.C.B. 8174, EMMA FREY ELEMENTARY SCHOOL SUBDIVISION, SAN ANTONIO, BEXAR COUNTY, TEXAS, AS RECORDED IN VOL. 9512, PAGE 108 OF THE PLAT RECORDS OF BEXAR COUNTY, TEXAS.

IMPROVED STANDARDS

STATE OF TEXAS
COUNTY OF DALLAS

FILED FOR RECORD IN:
BENNE COUNTY,
COUNTY CLERK

ON 12 1961

WITNESSE
BY

THE OWNER OF THE LAND SHOWN ON THIS PLAN, *James M. McCall*
OR THE PERSONS WHOSE NAMES ARE SIGNATURED AND CONSISTENT TO THE USE
OF THE PLAT OF PROPOSED LOTS, *James M. McCall*
AND PLAT PERSONS THEREON SHOWN BY THE NAME OF THE PERSONS TO WHOM
(SIGNED)

John M. McCall
JAMES M. McCall

NOT A SIGNATURED PARTY

OUR AUTHORIZED AGENT

STATE OF ILLINOIS
COUNTY OF DECATUR

BEFORE THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED John J. Malarkey, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed and in the capacity therein stated.

DATE UNDER
A.D. 19. 9

NOTARY PUBLIC
DELAN COUNTY, TEXAS

POZNIECH • CAMARILLO and ASSOC., INC.
 ENGINEERING SURVEYING PLANNING
 14625 SANDCROSS ROAD SUITE 200 91345
 VAN NUYS, CALIF. 91411 TEL: 782-7272 714/448-2713

DATE: MAY 27 DAY OF MAY A.D. 1998

may
"Hence K. Thorne
Chairman
Sept 24/98

STATE OF TEXAS
COUNTY OF BROWN

I HEREBY CERTIFY THAT THIS CLAIM IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUNDS

RECORDED NATIONAL LAND SURVEY
IN THE
COUNTY OF HAWAII
STATE OF HAWAII

SECTION 16 AND RECORDED BEFORE ME MAY THE
10TH 1948

Mrs. D. A. Madsen
DANIELA MADSEN
BEFORE ME IN THE
COUNTY OF HAWAII
STATE OF HAWAII

GERRY KICKHOFF COUNTY CLERK OF SAID COUNTY, DO HEREBY CERTIFY THAT THIS PLAT WAS FILED FOR RECORD IN MY OFFICE ON THE 25TH DAY OF MAY.

40. 12 98	AT 10:19 AM IN THE RECORDS OF	DEEDS & RATS
40. 12 98	OF SAID COUNTY, IN BOOK "ELKINS"	9540
		DO PAGE 83
40. 12 98	IN RETENTION AGREEMENT, BUSINESS BY HAND AND OFFICIAL SEAL OF OFFICE, THIS	2nd
40. 12 98		

10-10071-6

COUNTY CLERK, DEWAS COUNTY, TEXAS
BY John E. [Signature] DEPUTY
DATED MAY 18, 1908

REC'D MAY 28 1968

PLAT No. 980420

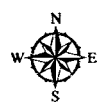


— Notices Mailed
 — In Opposition
 — In Favor

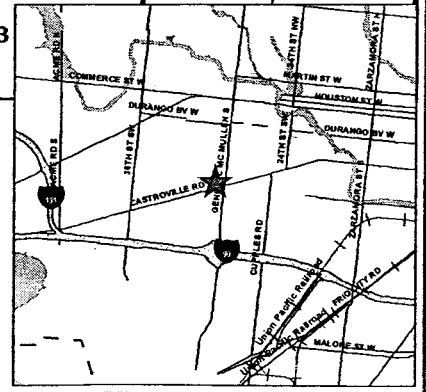
ZONING CASE: Z2005269 S

City Council District No. 6
 Requested Zoning Change
 From "R-4" To "O-1" S
 Date: December 6, 2005
 Scale: 1" = 200'

■ Subject Property
 ○ 200' Notification



C:\Dec. 6. 2005



CASE NO: Z2005269 S

Staff and Zoning Commission Recommendation - City Council

Date: January 12, 2006

Zoning Commission Meeting Date: December 06, 2005

Council District: 6

Ferguson Map: 615 C6

Applicant:

Edgewood Independent School District

Owner:

Edgewood Independent School District

Zoning Request: From "R-4" Residential Single-Family District to "O-1" S Office District with a Specific Use Permit for Professional Offices exceeding 10,000 square feet.

Lots 38 and 39, NCB 8133

Property Location: 900 South San Eduardo Avenue

Approximately 400 feet north of the intersection of Castroville Road and South San Eduardo Avenue

Proposal: To lease space in the closed elementary school to local community-based organizations for office use

Neighborhood Association: None

Neighborhood Plan: None

TIA Statement: A traffic impact analysis is not required

Staff Recommendation:

Approval

The subject property is the vacant Emma Frey Elementary School in the Edgewood Independent School District. Emma Frey Elementary School opened in September of 1950 and remained open until May of 2005. The property was originally zoned "R-7" under the provisions of the 1965 zoning ordinance. The "R-7" zoning district was later converted to the "R-4" Residential Single-Family district in 2001 as a result of the adoption of the Unified Development Code (UDC).

The Edgewood Independent School District proposes to maintain ownership of the subject property and convert the vacant structure into offices for local community-based agencies. The most appropriate zoning classification for this property, given the location of the subject property and its relation to adjacent residences, would be "O-1" Office District. However, the structure is 234,614 square feet. The "O-1" zone allows only up to 10,000 square feet.

Staff has suggested an alternate recommendation, to which the school district is agreeable. In December of 2005, City Council approved amendments to the Unified Development Code. The applicable amendment will allow offices over 10,000 square feet in the "O-1" district with a special use authorization. This zoning classification would be ideal for the proposed use. Further, should the office use cease, "O-1" is an appropriate buffer to single and multi-family residential uses.

CASE NO: Z2005269 S

Staff and Zoning Commission Recommendation - City Council

Zoning Commission Recommendation:

Approval

CASE MANAGER : Rudy Nino, Jr. 207-8389

VOTE

FOR	9
AGAINST	0
ABSTAIN	0
RECUSAL	0

Z2005269 S

ZONING CASE NO. Z2005269 – December 6, 2005

Applicant: Edgewood Independent School District

Zoning Request: "R-4" Residential Single-Family District to "O-2" Office District.

Joe Alderete, 1602 Hillcrest, representing the applicant, stated that they propose to lease space in the closed elementary school to local community-based organizations for office use. He further stated that they agree with staff's recommendation for "O-1 S".

Staff stated there were 81 notices mailed out to the surrounding property owners, 1 returned in opposition and 2 returned in favor.

Everyone present, for and against having been heard and the results of the written notices having been received, the Chairman declared the public hearing closed.

COMMISSION ACTION

The motion was made by Commissioner Gray and seconded by Commissioner Marshall to recommend approval of "O-1 S" Office District with a Special Use Authorization for Professional Offices exceeding 10,000 square feet contingent upon UDC amendment, and if the amendment fails then approval of "O-2" Office District.

1. Property is located on Lot 38 and 39, NCB 8133 at 900 South Eduardo Avenue.
2. There were 81 notices mailed, 1 returned in opposition and 2 in favor.
3. Staff recommends denial of "O-2" Office District and approval of "O-1 S" Office District with a Special Use Authorization for Professional Offices exceeding 10,000 square feet.

**AYES: Martinez, Robbins, Rodriguez, Farias, Marshall, Sherrill, McAden,
Stribling, Gray**

NAYS: None

THE MOTION CARRIED

RESULTS OF NOTICE FOR COUNCIL HEARING

To be provided at Council hearing.